

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ROBERT DAVID ROBINSON,)	
)	
Plaintiff,)	
)	No. 3:13-CV-09
v.)	(VARLAN/SHIRLEY)
)	
ANDERSON COUNTY SCHOOLS and)	
LARRY FOSTER,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is Defendant's Motion for Leave to Amend Answer [Doc. 22]. Defendants seeks to amend their Answer to aver that Plaintiff's action, pursuant to Tennessee Code Annotated § 50-1-301, is frivolous and/or filed solely for the purpose of harassing the Defendants in contravention of Tennessee Code Annotated § 50-1-304 (f)(1) and/or (2) and that, therefore, the Defendants are entitled to their attorney fees and costs for this additional reason in defending this action.

As an initial matter, the Court finds that the Plaintiff has not responded in opposition to the Motion for Leave to Amend Answer, and the time for doing so has expired. See E.D. Tenn. L.R. 7.1. The Motion for Leave could be granted on this basis alone. See E.D. Tenn. L.R. 7.2.

Local Rule 15.1 states: "A party who moves to amend a pleading shall attach a copy of the proposed amended pleading to the motion. Any amendment to a pleading, whether filed as a matter of course or upon a motion to amend, shall, except by leave of Court, reproduce the entire

pleading as amended and may not incorporate any prior pleading by reference.” The Local Rule further states: “A failure to comply with this rule may be grounds for denial of the motion.” The Court finds that the Defendants have complied with Rule 15.1.

Moreover, the Court finds that the Defendants have shown good cause for amending under Rule 15 of the Federal Rules of Civil Procedure.

Based upon the foregoing, the Motion for Leave to Amend Answer [**Doc. 22**] is **GRANTED**. The Clerk of Court **SHALL DOCKET** the proposed Amended Answer [Doc. 22-1], as the Amended Answer in this case.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge